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THE DAY IN COURT

Demurrer Argued In Territory vs. Queen.

PROBATE CASE BEFORE JURY

The Attorneys for Sodergren and Stuart Move to Change the Records.

The First Circuit Court was occupied nearly all day yesterday with the appeal from the Probate Judge, First Circuit, in the estate of Nallimu Naoiwi, an order refusing probate of will. Magoon & Thompson appeared in the interests of the petitioner-appellant, and Kinney, Ballou & McClanahan for the contestants. The matter will be continued tomorrow morning.

The jurors in the case are: Edward B. Friel, W. E. Sharp, W. H. Lyle, W. M. Cunningham, C. S. Hall, H. G. Crabbe, W. B. Jones, John Markham, Hermann Meek, A. E. Lloyd, H. H. Walker and E. A. Ross.

Late in the afternoon the demurrer in the case of the Territory of Hawaii vs. Queen Liliuokalani and John Wilson came up for hearing. Attorney General Dole for the Territory and Arthur Wilder for the defendants. Argument was had, and at the conclusion of the argument for the defense Mr. Wilder was complimented by the Court upon the impressiveness of his presentation of the matter. The Court said that the argument of the defendant's attorney had made it clear to the Court that the matter should be looked into very thoroughly, and that he would take it under consideration carefully, probably for several weeks, before rendering decision.

COURT NOTES.

In the case of Henry Smith vs. Hamakua Mill Company the defendant, by its president, Mr. Swanzy, yesterday filed its bond on appeal in the sum of \$10,000 with E. H. Wodehouse as surety.

MIST VS. KAPOLANI ESTATE.

The argument in the case of Mist vs. Kapiolani Estate, which was begun at 8 o'clock Wednesday evening, has not yet been completed. Attorney De Bolt for the defendant, argued until 10:30 Wednesday night, and the case being continued until noon yesterday, he again took up the argument at that time, arguing for a half hour. The case was then by the Judge continued until 4 o'clock this afternoon.

GERTZ VS. MAGOON CASE.

In the case of Anna Gertz, in her own right and as executrix of the will of Christian Gertz, deceased, vs. J. Alfred Magoon, as trustee for C. H. Banning and B. R. Banning, John Buckley and Maria Forbes, a motion has been filed by J. Alfred Magoon in his personal capacity, for an order of Court striking the joinder in demurrer filed therein from the files, on the grounds that the above entitled Court has no jurisdiction to entertain the same. The motion is based upon the records and files in the case, and notice is given that the movant, by his attorneys, Magoon & Thompson, will present the motion on Saturday, May 11, at 10 o'clock a. m.

F. J. Russell is attorney for plaintiff. The case is a bill for foreclosure.

PROBATE.

The first and final account of Rev. Hiram Bingham and Mrs. Lydia B. Coan, executors under the will of Miss E. K. Bingham, deceased, charging themselves with \$5,758.50 and asking to be allowed the same sum. Petition for allowance of accounts, final distribution and discharge was also filed and the Court ordered that June 17 be set as the day of hearing, publication of notice to begin at once.

There now remains as a balance in full of the estate to Mrs. Coan, as residuary legatee, \$1,073.75, the numerous benevolent and personal bequests, including \$1,000 to the American Board of Foreign Missions and a legacy of \$500 to Hiram Bingham, Jr., having all been paid in accordance with the provisions of the will.

FEDERAL COURT.

A motion was made in the United States District Court by Attorneys Kinney, Ballou & McClanahan and H. A. Bigelow, for the defendant in the case of United States vs. F. O. Sodergren and N. E. Stewart, to amend the instructions of the Court to the jury in the case, for the purpose of perfecting the appeal to be taken to the Court of Appeals at San Francisco. The defense claims that Judge Estee's charge was not correctly taken down by the official court reporter and moves that the records be changed according to the charge reported by their own private stenographer, who was present in court. The matter was continued until Monday, May 13.

The case of Robert R. Hind vs. brigantine Consuelo has been set for trial for Thursday, May 16, 1901. Paul Neumann is attorney for plaintiff and Robertson & Wilder for the defendant.

United States District Attorney John Baird yesterday filed his appearance as one of the attorneys for plaintiff in the case of the Territory vs. Liliuokalani and John H. Wilson.

United States District Attorney Baird is contemplating a few weeks of rest and recreation in the uplands of Maui. He expects to leave on Tuesday next for his vacation, which has been ordered by his physicians.

EXECUTIVE COUNCIL.

An executive council was held yesterday, but there was nothing done and the secretary reported that there was nothing to be given out in regard to the meeting.

Francis Murphy Hall.

Is open every day to the public (Sunday's included) from 9 a. m. to 11:30 p. m., and offers the following special inducements to visitors: Music every evening from 7:30 to 11:30 p. m.; on the tables are the latest papers and periodicals; cozy corners and easy chairs for those desiring a quiet place for a business chat; committees are free to meet there; strangers to town especially invited; anyone recovering from a "jag" is welcome at Murphy Hall, to battle with the devil's pains, away from temptation to start in again—"Bromo Kola" free to chaps that are broke; special

Saturday night concert and literary program with practical talks on temperance; smoking is allowed.

For the accommodation of patrons the following refreshments are served at reasonable rate: Ham sandwiches, Murphy home-made doughnuts with coffee or tea, ice cream and cake, ice cream soda, soft bottle drinks, cigars, cigarettes and tobacco; other features later. Corner Hotel and Bethel streets, upstairs.

AN ACTOR TALKS.

Henry Hallam of the Stanton Opera Co., Voices His Ideas.

Mr. H. Hallam, manager of the Josephine Stanton Opera Company, expresses himself as highly pleased with the reception given his company by the island people.

"Of course," said Mr. Hallam, "it is a big undertaking to carry an opera troupe to Australia; nothing but first-class attractions succeed in that country. I have no hesitation in saying that Australia leads the world in opera—light, comic and grand. Some of the most prominent people of Honolulu have expressed the opinion that our company gave as good a performance as they have seen of the various operas. This coming from people who have heard all the prominent singers of the world, means a great deal to me. I might mention that from the way in which the seats for 'Fra Diavolo' have been selling, it looks as if the Honolulu public in general has awakened to the fact that our company is all that we represent it."

"We naturally would like to do good business in Honolulu, and appreciate very much the interest taken in our last few performances. As far as unkind criticisms are concerned, allow me to state that I know exactly how they came to be published, and such actions by the way, are heavily indebted to several members of our company, will only work against them later on, and act as a boomerang, as it were. Any one who would attack a sweet little woman in such a manner as was done by a certain paper a few days since, is not deserving the name of man, and the Honolulu public are apparently showing that they resent such treatment towards one who has won their hearts, not only by her sweet voice, but by her graciousness and winning ways. Let me tell you emphatically, and here Mr. Hallam waxed warm, "that the Honolulu public long ago won our aloha, and a good bad houses can never change our opinion of a people who have always shown us every kindness and consideration."

INSANITARY HOLES FILLED Cessation in Evils Arising From Overflowing Cesspools.

City Sanitary Officer Tracy concludes his report for April to the Board of Health, by making the following comment on several insanitary places in the city.

I am very glad to be able to say that the Public Works Department are filling the pond just mauka of the government wash houses at Iwilei. This does away with one of the most dangerous spots of Honolulu.

Another good work will commence in a day or two when the Oahu Railway and Land Company begin pumping to fill that large tract of condemned land belonging to Winam, lying on both sides of Beretania street at Aala, and extending up to Liliha.

The opening of the sewer on King street, Ewa, of the stream and on Liliha below School street, has already done away with some of the worst nuisances in the city, because formerly the cesspools along these streets were continually overflowing.

During the last four months for weeks at a time there were from ten to twenty cesspools overflowing at one time, in spite of the very best efforts of the Excavator Department.

Tourists and visitors should not fail to take a ride on the Pacific Heights Electric Railway. Unsurpassed view of ocean, mountain and valley, and the stretched-out city. Round trip, 10c.

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BOYS' AND MEN'S CLOTHING,

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Capital, \$250,000.00.

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Valuable Land

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The New England Mutual Life Insurance Company, of Boston.
The Aetna Fire Insurance Company, of Hartford, Conn.
The Alliance Insurance Company, of London.

BANK OF HAWAII

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Incorporated under the Laws of the Territory of Hawaii.

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RESERVE - 50,000

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P. C. Jones Vice President
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